COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: DAUPHIN

POLICE CRIMINAL COMPLAINT
COMMONWEALTH OF PENNSYLVANIA
VS.

Magisterial District Number:	12-3-05
MDJ Name: Hon.	LOWELL A. WITMER
Address:	7810 ALLENTOWN BLVD SUITE A HARRISBURG, PA
Telephone:	717-671-8720

DEFENDANT: *(NAME and ADDRESS):*

First Name	Middle Name	Last Name	Gen.
LISA	JOELLEN	MEARKLE	

102 DOREEN DR.
HUMMELSOWN, PA 17036

NCIC EXTRADITION CODE TYPE

- ☒ 1-Felony Full
- ☐ 2-Felony Ltd.
- ☐ 3-Felony Surrounding States
- ☐ 4-Felony No Ext.
- ☐ 5-Felony Pend.
- ☐ 6-Felony Pend. Extradition Determ.
- ☐ A-Misdemeanor Full
- ☐ B-Misdemeanor Limited
- ☐ C-Misdemeanor Surrounding States
- ☐ D-Misdemeanor No Extradition
- ☐ E-Misdemeanor Pending
- ☐ F-Misdemeanor Pending Extradition Determ.

Distance:

DEFENDANT IDENTIFICATION INFORMATION

Docket Number	Date Filed	OTN/LiveScan Number	Complaint/Incident Number	SID:	Request Lab Services?
	03/24/2015		H01-2361507		☐ YES ☒ NO

GENDER	DOB	POB	Add'l DOB	Co-Defendant(s) ☐
☐ Male ☒ Female	08/26/78			

AKA First Name: Middle Name: Last Name: Gen.

RACE ☒ White ☐ Asian ☐ Black ☐ Native American ☐ Unknown

ETHNICITY ☐ Hispanic ☒ Non-Hispanic ☐ Unknown

HAIR COLOR ☐ GRY (Gray) ☐ RED (Red / Aubn.) ☐ SDY (Sandy) ☐ BLU (Blue) ☐ PLE (Purple) ☒ BRO (Brown) ☐ BLK (Black) ☐ ONG (Orange) ☐ WHI (White) ☐ XXX (Unk. / Bald) ☐ GRN (Green) ☐ PNK (Pink) ☐ BLN (Blonde / Strawberry)

EYE COLOR ☐ BLK (Black) ☐ BLU (Blue) ☒ BRO (Brown) ☐ GRN (Green) ☐ GRY (Gray) ☐ HAZ (Hazel) ☐ MAR (Maroon) ☐ PNK (Pink) ☐ MUL (Multicolored) ☐ XXX (Unknown)

Driver License	State	License Number	Expires:	WEIGHT (lbs.)
	PA	24675614	08/27/18	145

DNA	DNA Location
☐ YES ☒ NO	

FBI Number	MNU Number	Ft. HEIGHT	In.
		5	07

Defendant Fingerprinted ☐ YES ☒ NO

Fingerprint Classification:

DEFENDANT VEHICLE INFORMATION

Plate #	State	Hazmat	Registration Sticker (MM/YY)	Comm'l Veh. Ind.	School Veh.	Oth. NCIC Veh. Code	Reg. same as Def.
		☐		☐	☐		☐

VIN	Year	Make	Model	Style	Color

Office of the Attorney for the Commonwealth ☒Approved ☐Disapproved because: _
(The attorney for the Commonwealth may require that the complaint, arrest warrant affidavit, or both be approved by the attorney for the Commonwealth prior to filing. Pa.R.Crim.P.507.)

(Name of Attorney for Commonwealth - Please Print or Type) (Signature of Attorney for Commonwealth) (Date)

I, LT. JONATHAN MAYS/TPR. STEVEN NESBIT
(Name of Affiant - Please Print or Type)

465872/577----618003/10233
(PSP/MPOETC - Assigned Affiant ID Number & Badge #)

of the Pennsylvania State Police, Troop H, Carlisle
(Identify Department or Agency Represented and Political Subdivision)

PAPSP1000
(Police Agency ORI Number)

do hereby state: (check appropriate box)

1. ☒ I accuse the above named defendant who lives at the address set forth above
   ☐ I accuse the defendant whose name is unknown to me but who is described as 36 GRANDVIEW DR.
   ☐ I accuse the defendant whose name and popular designation or nickname is unknown to me and whom I have therefore designated as John Doe or Jane Doe.

with violating the penal laws of the Commonwealth of Pennsylvania at: 215 (Subdivision Code) SOUTH HANOVER TWP (Place-Political Subdivision)

in DAUPHIN County 22 (County Code) on or about 02/02/15 AT 1757 HOURS (Offense Date)

POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed: 03/24/2015	OTN/LiveScan Number	Complaint/Incident Number H01-2361507
Defendant Name	First: LISA	Middle: JOELLEN	Last: MEARKLE

The acts committed by the accused are described below with each Act of Assembly or statute allegedly violated, if appropriate. When there is more than one offense, each offense should be numbered chronologically.
(Set forth a *brief* summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) allegedly violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated. The age of the victim at the time of the offense may be included if known. In addition, social security numbers and financial information (e.g. PINs) should not be listed. If the identity of an account must be established, list only the last four digits. 204 PA.Code §§ 213.1 - 213.7.)

Inchoate Offense	☐ Attempt *18 901 A*	☐ Solicitation *18 902 A*	☐ Conspiracy *18 903*

☒ Lead?	Offense #	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
	1	2501	(a)	of the	Title 18 , PA Crimes Code	1	F1	999	01/A

PennDOT Data (if applicable)	Accident Number		☐ Interstate	☐ Safety Zone	☐ Work Zone

Statute Description (include the name of statute or ordinance):
Criminal Homicide

Acts of the accused associated with this Offense:
Acts of the accused associated with this offense:
IN THAT, on or about said date, THE DEFENDANT did intentionally, knowingly, recklessly or negligently cause the death of another human being, namely David A. KASSICK (male, DOB: 01/14/56)

POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed: 03/24/2015	OTN/LiveScan Number		Complaint/Incident Number H01-2361507
Defendant Name	First: LISA		Middle: JOELLEN	Last: MEARKLE

2. I ask that a warrant of arrest or a summons be issued and that the defendant be required to answer the charges I have made.

3. I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 Pa.C.S.§4904) relating to unsworn falsification to authorities.

4. This complaint consists of the preceding page(s) numbered __ through _

The acts committed by the accused, as listed and hereafter, were against the peace and dignity of the Commonwealth of Pennsylvania and were contrary to the Act(s) of the Assembly, or in violation of the statutes cited.
(Before a warrant of arrest can be issued, an affidavit of probable cause must be completed, sworn to before the issuing authority, and attached.)

(Date) _ (Signature of Affiant)

AND NOW, on this date, _____ I certify that the complaint has been properly completed and verified. An affidavit of probable cause must be completed before a warrant can be issued.

(Magisterial District Court Number) (Issuing Authority)

SEAL

POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed: 03/24/2015	OTN/LiveScan Number:		Complaint/Incident Number H01-2361507
Defendant Name:	First: Lisa		Middle: Joellen	Last: MEARKLE

AFFIDAVIT of PROBABLE CAUSE

1) Your affiants are LT. Jonathan MAYS and Tpr. Steven NESBIT of the Pennsylvania State Police. LT. MAYS is currently assigned as the Troop H/Criminal Investigation Section Commander. Tpr. NESBIT is currently assigned to the Troop H/Carlisle Barracks as a member of the Criminal Investigations Unit. During our combined tenure with the PA State Police we have conducted and assisted in numerous investigations into criminal homicide.

2) On 02/02/15, at approximately 1600 hours, Officer Lisa MEARKLE of the Hummelstown Police Department was on routine patrol traveling from South Hanover Street onto North Hanover Street. As she approached the intersection of Main Street and North Hanover Street she observed a Saturn, Aura model Sedan, blue in color passed her position. The sedan displayed expired inspection and emission stickers. The stickers had expired in December 2014. Officer MEARKLE immediately maneuvered her marked police vehicle into a position to follow the sedan. The operator of the sedan, (later identified as David Anthony KASSICK), eventually maneuvered his vehicle in such a way that he attempted to flee Officer MEARKLE. Officer MEARKLE immediately pursued the sedan operated by KASSICK while activating her marked police vehicle's lights and sirens.

3) KASSICK drove the sedan to the residence of 32 Grandview Drive, South Hanover Twp., Dauphin County. He pulled the sedan into the driveway and Officer MEARKLE pulled in directly behind him. KASSICK instantaneously exited the vehicle and ran on foot toward the rear of the residence. Officer MEARKLE pursued KASSICK on foot, as they ran to the rear of the residences of 32 and 34 Grandview Drive. KASSICK continued to flee up a small embankment and next to a large row of arborvitae trees. As KASSICK traversed along the row of arborvitae trees he was now on the property of 36 Grandview Drive, South Hanover Township, Dauphin County.

CONTINUED

I, LT. JONATHAN MAYS/TPR. STEVEN NESBIT, BEING DULY SWORN ACCORDING TO THE LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

_____

(Signature of Affiant)

Sworn to me and subscribed before me this _____ day of _____ _____

_____ Date _____, Magisterial District Judge

My commission expires first Monday of January,

SEAL

POLICE CRIMINAL COMPLAINT
AFFIDAVIT CONTINUATION PAGE

Docket Number:	Date Filed: 03/24/2015	OTN/LiveScan Number:		Complaint/Incident Number H01-2321507
Defendant Name:	First: Lisa		Middle: Joellen	Last: MEARKLE

AFFIDAVIT of PROBABLE CAUSE CONTINUATION

3) While in the rear of 36 Grandview Drive, along the arborvitae trees, Officer MEARKLE closed the distance between herself and KASSICK. Officer MEARKLE was able to successfully deploy her Conducted Electronic Weapon (CEW) probes into KASSICK's person. The CEW deployment struck KASSICK momentarily incapacitating him and causing him to fall to the ground. At this point, Officer MEARKLE instructed KASSICK not to move and to show his hands. KASSICK had not been physically aggressive towards Officer MEARKLE nor did he subject her to any physical contact. KASSICK was lying on the snow covered ground, on his stomach, with his head facing away from her. At times, KASSICK'S Left hand was briefly not visible to Officer MEARKLE.

4) Officer MEARKLE drew her Glock, Model 22 pistol. Officer MEARKLE held the CEW in her left hand and the pistol in her right hand. At this point, KASSICK had his left hand out of Officer MEARKLE'S view and she again activated the CEW. While the CEW was cycling, Officer MEARKLE fired a single round from her pistol. At the time Officer MEARKLE fired, KASSICK was facing away from Officer MEARKLE, flat on his stomach, and her point of aim was the center of his back. After firing the first round, Officer MEARKLE continued to give KASSICK the verbal command of show me your hands. While the CEW was still activated, Officer MEARKLE fired a second round from her pistol. Once again, Officer MEARKLE's point of aim for the second shot was the center of KASSICK'S back.

5) Officer MEARKLE then held the scene until back up officers arrived. Once additional officers arrived Officer MEARKLE attempted to perform lifesaving treatment, but KASSICK died as a result of the gunshot wounds. KASSICK was pronounced dead at the scene by the Dauphin County Coroner's Office. While processing the area around KASSICK's body, a hypodermic needle was located. There were no firearms or other weapons located on KASSICK'S person or in the surrounding area of KASSICK.

6) Officer MEARKLE'S CEW was among the items seized by investigators as evidence at the scene. This particular model of CEW (Taser Model X2) is equipped with both audio and video recording capabilities which were functioning at the time of the incident. A review of the stored video illustrates the scene and shooting as previously described. This affiant reviewed the video many times. At the time Officer MEARKLE fires both rounds from her pistol, the video clearly depicts KASSICK lying on the snow covered lawn with his face toward the ground. Furthermore, at the time the rounds are fired nothing can be seen in either of KASSICK's hands nor does he point or direct anything toward Officer Mearkle.

_____

(Signature of Affiant)

POLICE CRIMINAL COMPLAINT
AFFIDAVIT CONTINUATION PAGE

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AFFIDAVIT of PROBABLE CAUSE CONTINUATION

7) On 02/05/15, Officer MEARKLE was interviewed at Pennsylvania State Police Harrisburg Station. During the interview Officer MEARKLE related there was no physical contact or struggle with KASSICK during the incident. Officer MEARKLE went on to explain that KASSICK was not physically aggressive toward her at any point during the incident. She related that during the incident KASSICK failed to comply with her commands to show her his hands. He repeatedly reached his left hand toward what appeared to be his jacket pocket. Officer MEARKLE further related during her interview that she felt KASSICK was reaching into jacket to retrieve a weapon or more specifically a gun. When further questioned about whether KASSICK had or displayed a weapon at any point, Officer MEARKLE responded by explaining that he did not. Officer MEARKLE went on to explain that she did not see him display anything that could have been considered a weapon during the incident. Officer MEARKLE advised your affiants that she fired the two shots from her pistol due to the fact that KASSICK would not show his hands and she perceived he was reaching into his jacket for a gun.

8) On 02/03/15, an autopsy was conducted on KASSICK'S body. The autopsy was conducted at the Dauphin County Coroner's Office, by Forensic Pathologist Wayne ROSS. At the conclusion of the autopsy, the cause of death was determined to be gunshot wounds to body.

9) A review of the investigation finds that Officer MEARKLE employed deadly force without justification as required by Title 18 of the Pennsylvania Consolidated Statutes and by doing so her actions resulted in the death of David KASSICK.

10) Your affiants respectfully request MEARKLE answer to the charge set forth in this complaint.

(Signature of Affiant)